

REMARKS

A. Amendments to the Specification

The specification has been amended to capitalize the tradenames for SUPERALDEHYDE[®], CODELINK[®], ARRAYWORX[®], AFFYMETRIX[®], and TWEEN 20. Accordingly, no new matter has been introduced by way of these amendments to the specification.

B. Amendments to the Claims

Claims 1, 2, 7, 8, 10, 13, 14, 27-30, 32, and 35 have been amended while claims 5, 12, 15-26, 158, and 164-167 have been cancelled. In addition, new claims 168-172 have been added. In the response dated May 24, 2007, claims 9, 11, 14-17, 19-22, and 163 were withdrawn while claims 38-157 and 159-162 were cancelled. Thus, claims 1-4, 6-8, 10, 13, 27-37, and 168-172 are pending in this application.

The amendments to the claims are as follows. Claim 1 has been amended to cover a method for identifying antibiotic resistant bacteria from total unamplified bacterial genomic DNA in a sample, the method comprising the steps of (a) to (d) as recited in amended claim 1. Further, dependent claims 2, 7, 8, 10, and 35 have been amended to reference the *mecA* gene sequence or fragment thereof of claim 1, while claims 13, 27-30, and 32 have been amended to depend on claim 1. Support for the amendments to claims 1, 2, 7, 8, 10, 13, 27-30, 32, and 35 can be found throughout the specification, particularly in Example 4. Further, claim 14 has been amended to incorporate the subject matter of cancelled claims 15-22.

Moreover, new claims 168 depends from claim 1 and is directed to a method wherein the substrate further comprises one or more capture oligonucleotides having sequences that are complementary to a *Tuf* gene, 16S rRNA gene, or fragments thereof. New claims 169 is directed to the method of claim 168 used to distinguish between two or more species of a common genus. New claims 170-172 are directed to the method of new claim 169 wherein the species differ by two or more non-consecutive nucleotides; differ by two or more consecutive nucleotides, or differ by at least one nucleotide. Support for new claims 168-172 can be found throughout the specification, particularly in Example 7, as well as in original claims 165-167.

C. Claim rejections under 35 U.S.C. § 112, first paragraph

The Office Action rejected claims 1-8, 10, 12, 13, 18, 23-37, 158, 164-167 for allegedly failing to comply with the enablement requirement. The Office Action, however, asserted that

the present specification provided guidance in seven working examples, namely, Examples 1 to 7. Applicants have amended claims 1, 2, 7, 8, 10, 13, 27-30, 32, and 35 to claim the subject matter of Examples 4. In addition, claims 5, 12, 18, 23-26, 158, and 164-167 have been cancelled. In light of the present amendments, the § 112, first paragraph rejection of claims 1-8, 10, 12, 13, 18, 23-37, 158, and 164-167 is moot.

D. Claim rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejected claims 1-9, 10, 12, 13, 23-37, 158, 164-167 for allegedly failing to particularly point out the subject matter the Applicant regards as the invention. Applicants have amended claims 1, 2, 7, 8, 10, 13, 14, 27-30, 32, and 35 to claim the subject matter of Examples 4. In addition, claims 5, 12, 23-26, 158, and 164-167 have been cancelled.

In light of the present amendments, the § 112, second paragraph rejection of claims 1-9, 10, 12, 13, 23-37, 158, and 164-167 is moot.

E. Conclusion

In view of the above discussion and amendments, the Applicants respectfully submit that the claims are in allowable condition. A Notice of Allowance is respectfully requested.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the Applicants' undersigned representative at (312) 913-2126 if the Examiner believes that this would be helpful in expediting prosecution of this application.

Respectfully submitted,

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